

**01-0994 J.L.C. v. University of Utah Issued: 05/17/05**

J. L. C. asks the Utah Labor Commission to review Administrative Law Judge Hann's denial of Ms. C.'s claim for additional benefits under the Utah Occupational Disease Act ("the Act"; Title 34A, Chapter 3, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

**BACKGROUND AND ISSUE PRESENTED**

Ms. C. filed an application with the Commission to compel the University of Utah and its workers' compensation insurance carrier, the Workers Compensation Fund (referred to jointly as the "University" hereafter) to pay benefits for Ms. C.'s bilateral carpal tunnel syndrome. A medical dispute developed regarding the extent to which Ms. C.'s carpal tunnel syndrome was caused by her work at the University. To resolve that dispute, Judge Hann referred the matter to an impartial panel of medical experts. The panel concluded that 30% of Mrs. C.'s carpal tunnel syndrome was work-related. Judge Hann adopted the panel's report and, pursuant to the apportionment provisions of the Occupational Disease Act, ordered the University to pay 30% of the cost of Mrs. C.'s medical treatment of the syndrome.

Ms. C. now asks the Commission to review Judge Hann's decision. In particular, Ms. C. identifies medical studies supporting a conclusion that her work at the University was a greater contributor to her carpal tunnel syndrome than was found by the medical panel.

**FINDINGS OF FACT**

The Commission affirms and adopts Judge Hann's findings of fact.

**DISCUSSION AND CONCLUSION OF LAW**

As a preliminary note, Ms. C. has submitted new evidence in the form of excerpts from medical treatises that should have been submitted during the evidentiary proceedings before Judge Hann. It would be improper for the Commission to consider such evidence at this late date. Furthermore, the Commission has reviewed the medical panel's report and finds it persuasive. The panelists are impartial experts who have the benefit of Ms. C.'s entire relevant medical, as well as the opinions of other physicians who have previously been involved in Ms. C.'s care. The Commission finds no basis to disregard either the medical panel's findings or Judge Hann's decision.

**ORDER**

The Commission affirms Judge Hann's decision and denies Ms. C.'s motion for review. It is so ordered.

Dated this 17<sup>th</sup> day of May, 2005 .

R. Lee Ellertson, Commissioner